

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FTE NETWORKS, INC.

Plaintiff,

v.

ALEXANDER SZKARADEK, et al.

Defendants.

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Case No. 1:22-cv-00785-MN

**INTERVENOR FC REIT'S VOLUNTARILY DISMISSAL
WITHOUT PREJUDICE PURSUANT TO F.R.C.P 41**

In accordance with F.R.C.P 41 (a)(1)(A)(i) and (c), Intervenor FC REIT voluntarily dismisses without prejudice the claim asserted in its granted (D.I. 28) Motion to Intervene (D.I. 6) seeking to protect its property rights to 11,031,688 FTE Networks, Inc. shares. Dismissal is appropriate because no evidence has yet been presented at any hearing or trial.

Dated: December 6, 2022

STEVENS & LEE, P.C.

By: /s/ Stacey A. Scrivani

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*Attorneys for Proposed Defendant-Intervenor First
Capital Real Estate Trust, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December 2022, a copy of the Intervenor FC REIT's Voluntarily Dismissal Without Prejudice Pursuant to F.R.C.P 41 was filed electronically via ECF to:

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